



03-13-02

Docket No: AM100012  
Patent

CPA/1600

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 18 2002

In re of Application of: Robert Mark *et al.*

Serial No.: 09/425,501

Group Art No.: 1656

TECH CENTER 1600/2900

Filed: October 22, 1999

Examiner: Suryaprabha Chunduru

For: PABLO, A POLYPEPTIDE THAT INTERACTS WITH BCL-XL  
AND USES RELATED THERETO

# 20/CPA

Confirmation No.: 9642

Customer Number: 25291

Commissioner for Patents  
Box CPA  
Washington, DC 20231

## CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL953852910US addressed to the Commissioner for Patents, Box Missing Parts, Washington, DC 20231.

3/12/02  
Date

Julia Richie

CONTINUED PROSECUTION APPLICATION (CPA) (37 CFR 1.53(d))

- I. This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.53(d), for a

☒ continuation  
☐ divisional

The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995. Effective May 29, 2000, a CPA may only be filed in a utility or plant application if the prior nonprovisional application was filed before May 29, 2000.

- A. Further particulars of prior application are:

1. Title (as originally filed)  
PABLO, A POLYPEPTIDE THAT INTERACTS WITH BCL-XL, AND  
USES RELATED THERETO

and as amended by the Preliminary Amendment and Response To Final  
Office Action Mailed November 16, 2001, filed on even date herewith.

2. Full name of applicant(s) (as originally filed and as last amended):

Robert Mark

Kathleen H. Young 03/14/2002 SDENB01 00000082 011425 09425501

Andrew Wood

01 FC:131  
02 FC:102740.00 CH  
252.00 CH

B. The above identified prior application in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all of the contents of the prior application file wrapper as the basic papers of the new application.

C. It is understood that secrecy under 35 USC 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.53(d) application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

II. Inventorship Statement

☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

III. Identification of Claims for Further Prosecution. The fees to be charged due to be based on the number of claims remaining as a result of the

☒ preliminary amendment filed on even date herewith.

☐ the unentered amendment filed under 37 CFR 1.116 in the prior application, which is hereby resubmitted.

☐ the claims as on file in the prior application.

IV. General Authorization:

During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 01-1425.

V. Fee Calculation

CLAIMS AS AMENDED				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA x RATE		(4) BASIC FEE
				\$740.00
TOTAL CLAIMS	15	0	x \$ 18.00	0.00
INDEPENDENT CLAIMS	6	3	x \$ 84.00	252.00
MULTIPLE DEPENDENCY FEE			\$ 280.00	
			<b>Total Filing Fee:</b>	<b>\$992.00</b>

VI. Method of Payment of Fees

Please charge Deposit Account No. 01-1425 in the amount of \$992.00.

Credit any overpayment to Deposit Account No. 01-1425. A duplicate of this request is attached.

VII. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of this application to Account No. 01-1425.
- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
  - ☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)
  - ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee on a date later than the filing date of the application)
  - ☒ 37 CFR 1.17 (application processing fees)

VIII. Assignment

- ☒ The prior application is assigned of record to American Home Products Corp. at Reel 010612, Frame 0572.
- ☐ An assignment of the invention to \_\_\_\_\_ is attached under separate Recordation Form cover sheet.

IX. Power of Attorney

The Power of Attorney in the prior application is to

\_\_\_\_\_  
(Attorney) (Reg. No.)

\_\_\_\_\_  
(Attorney) (Reg. No.)

\_\_\_\_\_  
(Attorney) (Reg. No.)

\_\_\_\_\_  
(Attorney) (Reg. No.)

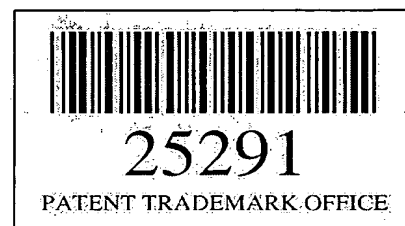
\_\_\_\_\_  
(Attorney) (Reg. No.)

\_\_\_\_\_  
(Attorney) (Reg. No.)

- a. ☐ The power appears in the papers in the prior application.
- b. ☒ A new power has been executed and is attached.
- c. ☒ Address all future communications to:

Customer Number: 25291

Bar Code:



DIRECT ALL TELEPHONE CALLS TO:

Name: Gavin T. Bogle

Tel. No. (617) 665-8079

X. Maintenance of Copendency of Prior Application

- ☒ A petition, fee and response has been filed to extend the term in the pending prior application until 03/16/02.
- ☐ A copy of the petition for extension of time in the prior application is attached.

XI. Conditional Petition for Extension of Time in Prior Application (Complete this item and file conditional petition in the prior application if previous item not applicable.)

☐ A conditional petition for extension of time is being filed in the pending prior application.

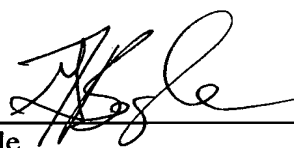
☐ A copy of the conditional petition for extension of time in the pending prior application is attached.

**XII. REQUEST AND CERTIFICATION UNDER 35 U.S.C 122(b)(2)(B)(i).**

☐ A request not to publish this application and certification under 35 U.S.C. 122(b)(2)(B)(i) is attached.

XIII. Additional Papers Enclosed

- ☒ Other: (a) A Preliminary Amendment;  
(b) A Response to Final Action; and  
(c) A return postcard.

  
Gavin T. Bogle

Limited Recognition Certificate Attached

Wyeth (formerly known as  
American Home Products Corporation)  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940-0874  
Tel. No. (617) 665-8079

Date: 3-12-02



**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE**

**RECEIVED**

MAR 18 2002

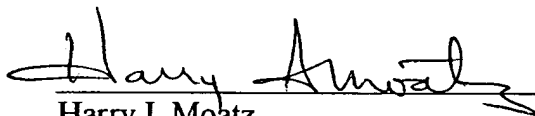
TECH CENTER 1600/2900

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Gavin Bogle is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Wyeth-Ayerst, to prepare and prosecute patent applications wherein the assignee of record of the entire interest is American Home Products Corporation, Wyeth-Ayerst Laboratories, Wyeth-Ayerst International, Inc., Wyeth-Ayerst Research, or Genetics Institute. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Gavin Bogle ceases to lawfully reside in the United States, (ii) Gavin Bogle's employment with Wyeth-Ayerst ceases or is terminated, or (iii) Gavin Bogle ceases to remain or reside in the United States on a TN visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: July 8, 2002**

  
Harry I. Moatz  
Director of Enrollment and Discipline



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For: PABLO, A POLYPEPTIDE THAT INTERACTS WITH BCL-XL,  
AND USES RELATED THERETO

Confirmation No.: 9642

Customer Number: 25291

TECH CENTER 1600/2900

**PRELIMINARY AMENDMENT AND RESPONSE TO  
FINAL OFFICE ACTION MAILED NOVEMBER 16, 2001**

Commissioner for Patents  
Box AF  
Washington, DC 20231

Dear Sir:

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL953852906US addressed to the Commissioner for Patents, Box CPA, Washington, DC 20231.

3/12/02

Date

*Julia Richie*  
Julia Richie

In response to the Final Office Action, dated November 16, 2001, Applicants file herewith a request for a Continued Prosecution Application as well as the following Amendment and Response. This Amendment and Response is timely filed as it is accompanied by A Petition for Extension of Time Pursuant to 37 C.F.R. 1.136(a) requesting a one month extension.

**IN THE CLAIMS**

Please cancel claims 22-42 and 45-48.

Please add new claims 49-61 as follows:

49. An isolated nucleic acid molecule comprising a nucleotide sequence encoding an isolated mammalian Bcl-xL binding protein, wherein said isolated mammalian Bcl-xL binding protein has 85% amino acid sequence identity with a Bcl-xL binding protein set forth in SEQ ID NO:2.